

## **ELECTION**

Applicant elects the **Invention I** as identified by the Examiner. Invention I is directed to Claims 1 – 19. This election is made without traverse.

## **REMARKS**

### **1. General.**

Claims 1 - 32 are pending in the application. The Examiner has issued a restriction requirement under 35 U.S.C. §121 identifying four inventions within the application as claimed. The Examiner has further identified the claims deemed to fall within the scope of each of the identified inventions.

### **2. Response on Restriction Requirement.**

Applicant has herewith elected Invention I for prosecution on the merits, directed to Claims 1 - 19, drawn to an apparatus for microbial intervention and pasteurization of food, classified in class 422, subclass 295. This election is made without traverse.

The Examiner made a four way restriction in the application, separating the claim set into four inventions as set forth below:

- Invention I: Claims 1 – 19 drawn to an apparatus for microbial intervention and pasteurization of food, classified in class 422, subclass 295;
- Invention II: Claims 20 – 28, drawn to a method for microbial intervention and pasteurization of food, classified in class 426, subclass 511;
- Invention III: Claims 29 – 30 drawn to an apparatus for microbial intervention and pasteurization of equipment, classified in class 422, subclass 297; and
- Invention IV: Claims 31 – 32, drawn to a method for microbial intervention and pasteurization of equipment, classified in class 422, subclass 26.

Applicant has elected Invention I directed as described above. It is further anticipated by the Applicant that the non-elected claims contained within this Application will be later pursued within a divisional application.

### CONCLUSION

Applicant has made an election herein under 35 U.S.C. §121 according to the inventions and claims identified by the Examiner. Should any impediments remain within the application, applicant requests that the Examiner contact the undersigned attorney at the indicated phone number.

Respectfully submitted,  
KAMMER BROWNING PLLC

Date: 10/30/06

By: Linda W. Browning  
Linda W. Browning  
Reg. No. 48,685  
7700 Broadway, Suite 202  
San Antonio, Texas 78209  
(210) 832-0900  
(210) 832-0901 (Fax)